Order Appealed From, Honorable Leo F. Hayes

At a special term of the Supreme Court for the County of Onondaga held at the County Courthouse, Syracuse, New York, on September 30, 1994.

PRESENT: HON. LEO F. HAYES

JAMES GRAHAM,
Plaintiff,
v.
NIAGARA MOHAWK POWER CORPORATION,
Defendant.

ORDER
Index No. 93-668
RJI No. 33-94-1590

State of New York
Supreme Court – County of Onondaga

A motion having been made by Defendant for an Order pursuant to CPLR 3212 for summary judgment, and said motion having come on to be heard on September 30, 1994, and upon consideration of the Notice of Motion for Summary Judgment, the affidavit of Robert A. LaBerge, Esq., dated August 16, 1994, the affidavit of Frederick R. McCarthy, dated July 28, 1994, the Memorandum of Law in Support of Niagara Mohawk's Motion for Summary Judgment, the Reply Memorandum of Law in Support of Niagara Mohawk's Motion

for Summary Judgment, all filed by Defendant in support of its motion for summary judgment, the affidavit of James Graham dated September 12, 1994, and the Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment, all filed by Plaintiff in opposition to Defendant's motion, and due deliberations having been had, it is hereby

ORDERED, that said motion be and the same hereby is granted, and it is further

ORDERED, that the Amended Complaint is dismissed in its entirety with prejudice.

DATED: November 7, 1994

Leo F. Hayes, J.S.C.